

mountainous country, where it was of little value and where any one wanting it would go and cut it, was no act peculiar to the ownership of land. So the mere assertion of a claim to land was not an act of user and ownership. Locking up a house and taking the key (see *Lloyd v. Tomkies*, 1 T. R. 671) was such an act, where the house was within the lines of the lot; but it would not be where there was a dispute on that point. There must be a hostile invasion of the rights of the real owner, and the question would be, and there was, who was the real owner. So where lands claimed by adverse possession were shewn to have been an open common for fifty years, over which people passed on foot and with carts, in all directions, to and from the City of Baltimore, it was held that such user of outlying unenclosed lands did not constitute such acts of ownership as the law requires to form the basis of a title by possession, *Gittings v. Moale*, 21 Md. 148. And in *Ridgely v. Bond*, 17 Md. 14, the Court said that the Act only enlarged the evidence to prove adversary possession and did not diminish the time in which to establish a possessory title, and proof of possession for "many years" was bad, for that might be for any indefinite number of years less than twenty, which is fixed by law as the period when an adversary title only becomes mature.

455 Character of title by adverse possession—Tacking.—*It is well settled, however, that twenty years' adverse possession will enable a party, as plaintiff, to maintain ejectment against a defendant, having a paper title, who has ousted him.²⁵ But to an insufficient title by adverse posses-

Woolfork, 71 Md. 287; *Sadtler v. Peabody Co.*, 66 Md. 1; *Hackett v. Webster*, 97 Md. 404. The acts of user and ownership necessary to be proved depend largely on the character and locality of the land. *Sadtler v. Peabody Co.*, 66 Md. 1; *Merryman v. Cumberland Co.*, 98 Md. 228.

A mortgage recited that the property conveyed had been in possession of the mortgagor and her predecessors in title for forty years but that it had been previously erroneously described. *Held*, that the recital, uncontradicted, presented a *prima facie* case of possession by the mortgagor for that length of time, sufficient to give a good title unaffected by the erroneous descriptions in previous deeds. *O'Sullivan v. Buckner*, 107 Md. 33.

A deed conveying leasehold property by metes and bounds will not carry adjacent land, on which part of the house on the demised premises is built, which the lessee acquired by adverse possession. *Hiss v. McCabe*, 45 Md. 77.

²⁵ **Character of title by adverse possession.**—Title by adverse possession is a positive title good against the real owner and against all the world; *Hanson v. Johnson*, 62 Md. 25; *Sharon v. Tucker*, 144 U. S. 533; and in Maryland it is supported by the conclusive presumption of an antecedent grant, as in the case of incorporeal rights. *Cadwalader v. Price*, 111 Md. 310; *Rother v. Sharp St. Sta.*, 85 Md. 530. It is an absolute title in fee, or to a leasehold interest, *Waltemyer v. Baughman*, 63 Md. 200; *Kopp v. Herrman*, 82 Md. 350; or to a remainder, or reversion, with the rent incident thereto, *Rieman v. Wagner*, 74 Md. 478; dependent on the character of the title of the dissee.

It is sufficient to support not only an ejectment; *Campbell v. Fletcher*, 37 Md. 430; *Rieman v. Wagner*, 74 Md. 478; but also a bill by a vendor